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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNNY VILLALOBOS,

Defendant and Appellant.

B254393

(Los Angeles County  
Super. Ct. No. MA040107)

APPEAL from a judgment of the Superior Court of Los Angeles County, Kathleen Blanchard, Judge. Affirmed.

Laura S. Kelly, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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A jury convicted Johnny Villalobos of committing the first degree murder of Juan Valdez (Pen. Code, § 187, subd. (a)) and found he had personally and intentionally discharged a firearm, causing great bodily injury and death (Pen. Code, § 12022.53, subd. (d)) and had committed the murder for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b)(1)(C)). The trial court sentenced Villalobos to an aggregate state prison term of 60 years to life: a term of 25 years to life for first degree murder; plus 25 years to life for the firearm enhancement; plus 10 years for the gang enhancement.

Villalobos appealed on the grounds of instructional error and insufficient evidence to support the gang enhancement. This court concluded the gang enhancement was not supported by substantial evidence, reversed the judgment and remanded for further proceedings on that issue. (*People v. Villalobos* (Aug. 14, 2013, B239739) [nonpub. opn.].)

On remand, the People elected not to retry the gang allegation, and the trial court ordered the allegation stricken and the sentence enhancement stricken. The court imposed the sentence as a term of 25 years to life for first degree murder; plus 25 years to life for the firearm enhancement. This appeal followed.

We appointed counsel to represent on Villalobos appeal. After examination of the record appellate counsel filed an opening brief in which no issues were raised. On July 31, 2014, we advised Villalobos he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response.

We have examined the record and are satisfied Villalobos's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

**DISPOSITION**

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

WOODS, J.